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APR 16 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Bryan Dumm**

Serial No.: **10/804, 889**

Group Art Unit: **2194**

Filed: **03/19/2004**

Examiner: **ZHEN, LIB**

Attorney Docket No.: **BCP-001**

Confirmation Number: **8180**

Honorable Commissioner of Patents and Trademarks

Alexandria, VA 22313-1450

AMENDMENT UNDER RULE 116

Sir:

Please enter the following amendment:

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited this date with the US Postal Service as first-class mail in an envelope addressed as below, or being facsimile transmitted to the USPTO at 571 273 8300, on the date set forth below.

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By _____
(Signature)

On: April 16, 2009

A. Introductory Comments

Based on the amendments and remarks that follow, reconsideration of this application and entry of this amendment under 37 CFR 1.116 is respectfully requested. This amendment is properly enterable under Rule 116 as it places the case in condition for allowance.

This amendment is in response to the final Office action dated January 21, 2009. Although it is believed that no fee is necessary; nevertheless, it is requested that Deposit account number 502158 be charged for any fee required for the entry of the amendment. When filed, this patent application contained 5 independent claims and 20 total claims. After this amendment, this application contains 5 independent claims and 15 total claims. Claims 3, 6, 9, 13, and 18 were cancelled in the response to the last Office action. Accordingly, it is believed that no additional claim fee is due.

In this Office action, claims 4, 5, 7, 8, 10-12, 14, 19, and 20 were allowed as set forth under 'Allowable Subject Matter' of the Office action (Page 2, Office action). Claims 15-17 were rejected under 35 U.S.C. § 101 because the claimed invention was considered to be directed to non-statutory subject matter. Further, claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,115,646 assigned to Fiszman, et al, hereinafter referred to as Fiszman; and in view of U.S. Patent No. 6, 772,204 assigned to Hansen.

In response to the rejections cited above, amendments required to make the claims allowable have been made to the claims. Further, claims 1 and 15 have been amended.